

SECOND REGULAR SESSION

# HOUSE BILL NO. 2722

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOUGH.

6819H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to the assessment of property.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 137.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.115, to read as follows:

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 real property in the following manner: new assessed values shall be determined as of January  
19 first of each odd-numbered year and shall be entered in the assessor's books; those same assessed  
20 values shall apply in the following even-numbered year, except for new construction and  
21 property improvements which shall be valued as though they had been completed as of January  
22 first of the preceding odd-numbered year. The assessor may call at the office, place of doing  
23 business, or residence of each person required by this chapter to list property, and require the  
24 person to make a correct statement of all taxable tangible personal property owned by the person  
25 or under his or her care, charge or management, taxable in the county, **but in no case shall the**  
26 **assessor ask a person or business for information about an entity other than that person**  
27 **or business, including the customers thereof.** On or before January first of each  
28 even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance  
29 plan to the county governing body and the state tax commission for their respective approval or  
30 modification. The county governing body shall approve and forward such plan or its alternative  
31 to the plan to the state tax commission by February first. If the county governing body fails to  
32 forward the plan or its alternative to the plan to the state tax commission by February first, the  
33 assessor's plan shall be considered approved by the county governing body. If the state tax  
34 commission fails to approve a plan and if the state tax commission and the assessor and the  
35 governing body of the county involved are unable to resolve the differences, in order to receive  
36 state cost-share funds outlined in section 137.750, the county or the assessor shall petition the  
37 administrative hearing commission, by May first, to decide all matters in dispute regarding the  
38 assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while  
39 the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final  
40 decision of the administrative hearing commission shall be subject to judicial review in the  
41 circuit court of the county involved. In the event a valuation of subclass (1) real property within  
42 any county with a charter form of government, or within a city not within a county, is made by  
43 a computer, computer-assisted method or a computer program, the burden of proof, supported  
44 by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at  
45 any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be  
46 a presumption that the assessment was made by a computer, computer-assisted method or a  
47 computer program. Such evidence shall include, but shall not be limited to, the following:

48 (1) The findings of the assessor based on an appraisal of the property by generally  
49 accepted appraisal techniques; and

50 (2) The purchase prices from sales of at least three comparable properties and the address  
51 or location thereof. As used in this subdivision, the word "comparable" means that:

52 (a) Such sale was closed at a date relevant to the property valuation; and

53 (b) Such properties are not more than one mile from the site of the disputed property,  
54 except where no similar properties exist within one mile of the disputed property, the nearest  
55 comparable property shall be used. Such property shall be within five hundred square feet in size  
56 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,  
57 and other relevant characteristics.

58 2. Assessors in each county of this state and the city of St. Louis may send personal  
59 property assessment forms through the mail.

60 3. The following items of personal property shall each constitute separate subclasses of  
61 tangible personal property and shall be assessed and valued for the purposes of taxation at the  
62 following percentages of their true value in money:

63 (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one  
64 percent;

65 (2) Livestock, twelve percent;

66 (3) Farm machinery, twelve percent;

67 (4) Motor vehicles which are eligible for registration as and are registered as historic  
68 motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old  
69 and which are used solely for noncommercial purposes and are operated less than fifty hours per  
70 year or aircraft that are home built from a kit, five percent;

71 (5) Poultry, twelve percent; and

72 (6) Tools and equipment used for pollution control and tools and equipment used in  
73 retooling for the purpose of introducing new product lines or used for making improvements to  
74 existing products by any company which is located in a state enterprise zone and which is  
75 identified by any standard industrial classification number cited in subdivision [(6)] (5) of section  
76 135.200, twenty-five percent.

77 4. The person listing the property shall enter a true and correct statement of the property,  
78 in a printed blank prepared for that purpose. **For property in subdivision (1) of subsection 3**  
79 **of this section, the person may estimate the amount to the best of their knowledge.** The  
80 statement, after being filled out, shall be signed and either affirmed or sworn to as provided in  
81 section 137.155. The list shall then be delivered to the assessor.

82 5. All subclasses of real property, as such subclasses are established in Section 4(b) of  
83 Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the  
84 following percentages of true value:

85 (1) For real property in subclass (1), nineteen percent;

86 (2) For real property in subclass (2), twelve percent; and

87 (3) For real property in subclass (3), thirty-two percent.

88           6. Manufactured homes, as defined in section 700.010, which are actually used as  
89 dwelling units shall be assessed at the same percentage of true value as residential real property  
90 for the purpose of taxation. The percentage of assessment of true value for such manufactured  
91 homes shall be the same as for residential real property. If the county collector cannot identify  
92 or find the manufactured home when attempting to attach the manufactured home for payment  
93 of taxes owed by the manufactured home owner, the county collector may request the county  
94 commission to have the manufactured home removed from the tax books, and such request shall  
95 be granted within thirty days after the request is made; however, the removal from the tax books  
96 does not remove the tax lien on the manufactured home if it is later identified or found. For  
97 purposes of this section, a manufactured home located in a manufactured home rental park, rental  
98 community or on real estate not owned by the manufactured home owner shall be considered  
99 personal property. For purposes of this section, a manufactured home located on real estate  
100 owned by the manufactured home owner may be considered real property.

101           7. Each manufactured home assessed shall be considered a parcel for the purpose of  
102 reimbursement pursuant to section 137.750, unless the manufactured home is **deemed to be** real  
103 estate [as defined in] **under** subsection 7 of section 442.015 and assessed as a realty  
104 improvement to the existing real estate parcel.

105           8. Any amount of tax due and owing based on the assessment of a manufactured home  
106 shall be included on the personal property tax statement of the manufactured home owner unless  
107 the manufactured home is **deemed to be** real estate [as defined in] **under** subsection 7 of section  
108 442.015, in which case the amount of tax due and owing on the assessment of the manufactured  
109 home as a realty improvement to the existing real estate parcel shall be included on the real  
110 property tax statement of the real estate owner.

111           9. The assessor of each county and each city not within a county shall use the trade-in  
112 value published in the October issue of the National Automobile Dealers' Association Official  
113 Used Car Guide, or its successor publication, as the recommended guide of information for  
114 determining the true value of motor vehicles described in such publication. The assessor shall  
115 not use a value that is greater than the average trade-in value in determining the true value of the  
116 motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two  
117 years old or newer from a vehicle's model year, the assessor may use a value other than average  
118 without performing a physical inspection of the motor vehicle. In the absence of a listing for a  
119 particular motor vehicle in such publication, the assessor shall use such information or  
120 publications which in the assessor's judgment will fairly estimate the true value in money of the  
121 motor vehicle.

122           10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)  
123 real property by more than fifteen percent since the last assessment, excluding increases due to

124 new construction or improvements, the assessor shall conduct a physical inspection of such  
125 property.

126         11. If a physical inspection is required, pursuant to subsection 10 of this section, the  
127 assessor shall notify the property owner of that fact in writing and shall provide the owner clear  
128 written notice of the owner's rights relating to the physical inspection. If a physical inspection  
129 is required, the property owner may request that an interior inspection be performed during the  
130 physical inspection. The owner shall have no less than thirty days to notify the assessor of a  
131 request for an interior physical inspection.

132         12. A physical inspection, as required by subsection 10 of this section, shall include, but  
133 not be limited to, an on-site personal observation and review of all exterior portions of the land  
134 and any buildings and improvements to which the inspector has or may reasonably and lawfully  
135 gain external access, and shall include an observation and review of the interior of any buildings  
136 or improvements on the property upon the timely request of the owner pursuant to subsection 11  
137 of this section. Mere observation of the property via a drive-by inspection or the like shall not  
138 be considered sufficient to constitute a physical inspection as required by this section.

139         13. The provisions of subsections 11 and 12 of this section shall only apply in any county  
140 with a charter form of government with more than one million inhabitants.

141         14. A county or city collector may accept credit cards as proper form of payment of  
142 outstanding property tax or license due. No county or city collector may charge surcharge for  
143 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,  
144 processor, or issuer for its service. A county or city collector may accept payment by electronic  
145 transfers of funds in payment of any tax or license and charge the person making such payment  
146 a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic  
147 payment.

148         15. Any county or city not within a county in this state may, by an affirmative vote of  
149 the governing body of such county, opt out of the provisions of this section and sections 137.073,  
150 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly,  
151 second regular session and section 137.073 as modified by house committee substitute for senate  
152 substitute for senate committee substitute for senate bill no. 960, ninety-second general  
153 assembly, second regular session, for the next year of the general reassessment, prior to January  
154 first of any year. No county or city not within a county shall exercise this opt-out provision after  
155 implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as  
156 enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and  
157 section 137.073 as modified by house committee substitute for senate substitute for senate  
158 committee substitute for senate bill no. 960, ninety-second general assembly, second regular  
159 session, in a year of general reassessment. For the purposes of applying the provisions of this

160 subsection, a political subdivision contained within two or more counties where at least one of  
161 such counties has opted out and at least one of such counties has not opted out shall calculate a  
162 single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general  
163 assembly, second regular session. A governing body of a city not within a county or a county  
164 that has opted out under the provisions of this subsection may choose to implement the  
165 provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill  
166 no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as  
167 modified by house committee substitute for senate substitute for senate committee substitute for  
168 senate bill no. 960, ninety-second general assembly, second regular session, for the next year of  
169 general reassessment, by an affirmative vote of the governing body prior to December thirty-first  
170 of any year.

171       16. The governing body of any city of the third classification with more than twenty-six  
172 thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located  
173 in any county that has exercised its authority to opt out under subsection 15 of this section may  
174 levy separate and differing tax rates for real and personal property only if such city bills and  
175 collects its own property taxes or satisfies the entire cost of the billing and collection of such  
176 separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax  
177 rate ceiling.

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